

TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Selectmen's Meeting Minutes

Monday February 5, 2007

6:00 P.M.

Town Offices

Members Present: Selectman Jason Booth, Selectwoman Jacqueline Schnackertz, Selectman Richard Lemoine, and Selectwoman Karyn Puleo,
Member Absent: Selectman Kevin O'Connor not present due to illness.

Staff Members Present: Town Administrator Rosemary Cashman and Admin Assistant Therese Gay.

The Board was introduced and the agenda read.

1. 6:00 P.M. Entertainment License Application – Banjo Pub, 25 Parham Road
The Board received an application for a modification to an existing entertainment license held by Dutone Corp DBA the Banjo Pub. Business is slow at this time and Mr. Martone, owner/manager, is asking the Board to review and approve the modification. The new entertainment will be a two – three piece band with a vocalist for Friday and Saturday nights only from 8P.M. to 12 Midnight. Attorney Peter Nicosia presented the application. Mr. Martone has a reputation for running a quiet operation and there have been no complaints from the neighbors. Mr. Martone will continue to operate his business in the same fashion. The license is a non-transferable license and if the sale of the business goes through the new owners will have to apply for a new license. Note: Mr. Martone is trying to sell his business. The neighbors will be notified of any transfer of licenses. The neighbors were worried about any noise and any additional parking on the street if there are many patrons. It has already been proven that the music stays within the confines of building. The only noise a person will hear is when someone enters or exits the building. The Board has no problem in issuing the license at this time, if there is a problem and there are numerous complaints the Board will set a hearing date to discuss. The Police keep logs of any complaints that are called in.

A motion was made by Selectman Lemoine to approve the request for a 3 piece band with vocalist for Friday and Saturday nights from 8P.M. to 12 Midnight for the period of 11 months as amended (note - the hours were changed from 8PM to 1AM to 8PM to 12 midnight), second by Selectman Booth. The Board voted unanimously to approve the license.

2. Citizen's Time

Mr. William Look, 119 Mascuppic Trail came forward with a concern about the type of band and if the sound is a problem he hopes that someone will address the complaint in a timely fashion.

3. Other Business (if necessary)

A. Government Study Discussion

The Board discussed the make up of the Committee how many members to appoint. The recommendation was to have 7 members but after some discussion the Board settled on 9 members. The by-laws will reflect the change in number of members. The Board will ask the residents and business owners to send in a resume if they want to serve on the committee.

4. Correspondence

A motion was made by Selectwoman Schnackertz to accept the 19 pieces of correspondence, second by Selectman Booth. No correspondence was pulled for discussion. The Board voted unanimously to accept the correspondence.

5. Selectmen's Notes

Selectman Booth was concerned about zoning changes and the need for a warrant article. The Economic Development Committee is reviewing zoning changes at their meetings. The Town did receive a grant for the study on Middlesex Road, NMCOG will help with the study and look at any zoning changes needed. Selectwoman Schnackertz read an article in the Lowell Sun that would be good for parents; it is a good jumping off point to start discussions. Selectman Lemoine inquired when the Board of Health will be at the Selectmen's meeting. The Boards will meet next Monday.

6. Town Administrator's Notes

The Administrator spoke to budgets, scheduling of meetings, received additional info on retirement, warrant articles and the Capital Asset Committee. She informed the Board that the Architect who is preparing the plans for the old town hall renovations will be in next week to present his plans.

7. Executive Session (If Necessary)

A motion was made by Selectwoman Schnackertz to enter into an executive session to discuss litigation strategies and collective bargaining and to exit the executive session to open session only to adjourn, second by Selectman Booth.

Roll Call Vote: Selectman Jason Booth, yes; Selectwoman Jacqueline Schnackertz, yes; Selectman Richard Lemoine, yes; and Selectwoman Karyn Puleo, yes.

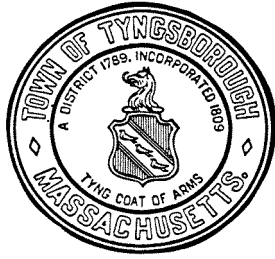
8. Adjournment

A motion was made by Selectwoman Schnackertz to adjourn the meeting, second by Selectman Booth. The Board voted unanimously to adjourn at 7:30 P.M.

Respectfully submitted by

Therese Gay
Admin Assistant

Approved on _____



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Selectmen's Executive Session Minutes

Monday, February 5, 2007

7:00 P.M.

Town Offices

Members Present: Selectman Jason Booth, Selectwoman Jacqueline Schnackertz, Selectman Richard Lemoine, and Selectwoman Karyn Puleo,

Member Absent: Selectman Kevin O'Connor not present due to illness.

Staff Members Present: Town Administrator Rosemary Cashman and Admin Assistant Therese Gay.

A motion was made by Selectwoman Puleo to enter Executive Session to discuss litigation strategies relating to the Elementary School project, and collective bargaining strategies and to exit executive session and return to open session only to adjourn, second by Selectwoman Schnackertz.

Roll Call Vote – Selectman Jason Booth, yes; Selectwoman Jacqueline Schnackertz, yes; Selectman Rich Lemoine, yes; and Selectwoman Karyn Puleo.

1. Executive Session (if necessary)

Special Litigation Strategies – Elementary School Project

The Board of Selectmen met in Executive Session to discuss the settling of the Elementary School Project. After some discussion the Board voted the following:

A motion was made by Selectwoman Karyn Puleo to approve the settlement of the lawsuit between Eastern Contractor, Inc. and the Town, and the Town keeps the balance owed by contractor, Eastern Contractors, Inc. and Eastern Contractors pays \$300,000 to the Town, and the lawsuits are dismissed by both Eastern Contractors, Inc., and the Town, second by Selectwoman Schnackertz.

Roll Call Vote – Selectman Jason Booth, yes; Selectwoman Jacqueline Schnackertz, yes; Selectman Rich Lemoine, yes; and Selectwoman Karyn Puleo.

The Board voted unanimously to the settlement of the lawsuit between Eastern Contractors, Inc. and the Town.

The Board discussed the opening of contract negotiations with the three town unions. The Board also had some discussions on the format to use in the first round of interviews of the candidates application for the Police Chief's Position.

A motion was made by Selectwoman Puleo to exit Executive Session and to return to open session only to adjourn, second by Selectwoman Schnackertz.

Roll Call Vote – Selectman Jason Booth, yes; Selectwoman Jacqueline Schnackertz, yes; Selectman Rich Lemoine, yes; and Selectwoman Karyn Puleo.

The Board exited executive session at 7:30 P.M.

Respectfully submitted by

Therese Gay
Admin Asssistant

Approved on _____